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In re Application of
Thomas Wilhelmus Engelen et al.
Application No. 10/608,502
Deposited: June 30, 2003
Attorney Docket No. P304563-WIT/P58129US

OFFICE OF PETITIONS

DECISION ON
PETITION

This is a decision on the renewed petition filed August 30, 2004 and supplemented on November 9, 2004 under 37 CFR 1.53 to accord a filing date.

Application papers in the above-identified application were deposited June 30, 2003. However, on June 1, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Reissue Application," notifying applicant that the application had not been accorded a filing date because a complete specification with at least one claim, as prescribed by 35 U.S.C. 112 was missing.

In response to the Notice mailed June 1, 2004, petitioner properly proffered a copy of a date stamped return receipt which corroborated petitioners assertion that the application had been filed with a four (4) page specification, (at least one claim was included in the proffered specification) and based on petitioners' representations it appears that the specification and drawings were present in the Office on June 30, 2003.

However, the petition was dismissed in a decision mailed July 26, 2004 because a copy of the specification was not included with the petition

Copies of the four (4) page specification have now been submitted thus satisfying the requirements as set out in the Notice mailed June 1, 2004 and thus completing the application.

In view of the foregoing, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee will be refunded to deposit account no. 03-3975, as requested.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 30, 2003, using the application papers received in the Office on that date and the specification resubmitted on petition.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions